

---

**O'MELVENY & MYERS LLP**

Irvine Spectrum  
114 Pacifica, Suite 100  
Irvine, California 92618-3315

TELEPHONE (949) 737-2900  
FACSIMILE (949) 737-2300

---

**FAX TRANSMITTAL**

---

**DATE & TIME:**

Tuesday, 07/06/04, 11:38 AM

**TOTAL NUMBER OF PAGES:**

6

**TO:**Karen Creasy - United States Patent  
& Trademark Office**FAX NUMBER:**

(703) 305-4257

**TELEPHONE NUMBER:****FROM:**

Diane K. Wong

**RETURN FAX NUMBER:**

(949) 737-2300

**TELEPHONE NUMBER:**

(949) 737-2924

---

**MESSAGE**Re Supplemental Preliminary Amendment for USSN 09/997,374

---

COPY

---

IF YOU DID NOT RECEIVE ALL PAGES, PLEASE CALL OUR FAX DEPARTMENT AT (949) 737-2981.

---

**FILE NO.:****USER NO.:**

13367

**RESPONSIBLE ATTY NAME:**

Diane K. Wong

**SPECIAL INSTRUCTIONS:****RETURN ORIGINAL TO:****EXTENSION:****LOCATION:**

---

This document is intended for the exclusive use of the addressee. It may contain privileged, confidential, or non-disclosable information. If you are not the addressee, or someone responsible for delivering this document to the addressee, you may not read, copy, or distribute it. If you have received this document by mistake, please call us promptly and securely dispose of it. Thank you.

Patent US 221C4  
Attorney Docket: 612,404-387  
(formerly 267/242)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:

**HELLER, Michael J.**

**Serial No.: 09/997,374**

**Filed: November 29, 2001**

**For: HYBRIDIZATION OF  
POLYNUCLEOTIDES CONJUGATED  
WITH CHROMOPHORES AND  
FLUOROPHORES TO GENERATE  
DONOR-TO-DONOR ENERGY  
TRANSFER SYSTEM**

Group Art Unit: 1637

Examiner: J. Fredman

**TRANSMITTAL LETTER  
AND FEE CALCULATION SHEET**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed please find a Supplemental Preliminary Amendment.

COPY

**CERTIFICATE OF FACSIMILE  
(37 C.F.R. §1.8a)**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being transmitted to (703) 305-4257 on the date shown below addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

July 6, 2004

Date of Deposit

IRI:1056345.1

Kristin A.M. Godfrey

Kristin A.M. Godfrey

Patent US 221C4  
Attorney Docket: 612,404-387  
(formerly 267/242)

The Commissioner is authorized to charge any deficiency in fees or any overpayment of fees that may be required to Deposit Account No. 50-2862. A duplicate copy of this letter is enclosed for processing purposes.

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: July 6, 2004

By: Diane K. Wong  
Diane K. Wong  
Reg. No. 54,550  
Attorneys for Applicants

DBM/DKW/dnd

O'Melveny & Myers LLP  
114 Pacifica, Suite 100  
Irvine, CA 92618-3315  
(949) 737-2900

Patent

Attorney Docket: 612,404-387 (formerly 267/242)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:

**HELLER, Michael J.****Serial No.: 09/997,374**

Filed: November 29, 2001

For: HYBRIDIZATION OF  
POLYNUCLEOTIDES CONJUGATED  
WITH CHROMOPHORES AND  
FLUOROPHORES TO GENERATE  
DONOR-TO-DONOR ENERGY  
TRANSFER SYSTEM

Group Art Unit: 1637

**SUPPLEMENTAL PRELIMINARY AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Please amend the above-referenced application as follows.

Amendments to the Specification begin on page 2.

Remarks begin on page 3.

COPY

**CERTIFICATE OF FACSIMILE**  
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being transmitted to (703) 305-4257 on the date shown below addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

July 6, 2004  
Date of Deposit  
IR1:1056342.1

Kristin A.M. Godfrey  
Kristin A.M. Godfrey